



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,608	04/05/2001	Rick Allen Hamilton II	AUS9-2001-0027-US1	4039

40412 7590 11/19/2004

IBM CORPORATION- AUSTIN  
CO VAN LEEUWEN & VAN LEEUWEN  
PO BOX 81641  
AUSTIN, TX 78758-1641

EXAMINER

BONZO, BRYCE P

ART UNIT PAPER NUMBER

2114

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/826,608

Applicant(s)

HAMILTON ET AL.

Examiner

Bryce P Bonzo

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,5,8,9,11,12,15,16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,8,9,11,12,15,16 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **FINAL OFFICIAL ACTION**

### ***Status of the Claims***

Claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 16 and 18 are rejected under 35 USC §103.

### ***Rejections under 35 USC §103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGill (United States Patent No 5,469,573) in view of Maffezzoni (United States Patent No. 6,289,426).

As per claim 1, McGill discloses:

collecting user environment data from the first computer system (column 5, lines 33-39), the collecting performed by a computer, and the user environment data including a network interface (column 4, lines 9-13);

storing the user data on a removable nonvolatile media (column 4, lines 29-31);

transporting the removable nonvolatile media from the first computer system to the second computer (column 8, lines 8-19);

loading the removable nonvolatile media in a device capable of reading the media (column 8, lines 8-19); and

restoring the user environment data from the removable nonvolatile media to the second computer system (column 8, lines 8-19; column 4, lines 19-23).

McGill does not explicitly disclose:

the user environment data including a printer definition, user password, and license information.

Maffezzoni discloses:

collecting user environment data from the first computer system (column 14, lines 8-20), the collecting performed by a computer, and the user environment data including network interfaces (browsing the Internet), and user password (which is required to use email), license information (column 7, lines 13-22: Microsoft Office requires the serial number to operate; a serial number is licensing data);

storing the user data on a removable nonvolatile media (column , lines 27-29);  
loading the removable nonvolatile media in a device capable of reading the media (column 6, lines 53-65).

McGill and Maffezzoni are directed to improving data recovery system in the case of a catastrophic failure of the hard disk. McGill further repeated states that all data of a user environment is backed up to the recovery media. Maffezzoni discloses

Art Unit: 2114

additional types of data not explicitly recited, specifically Microsoft Office which requires a license to operate. Maffezzoni also discloses network interfaces as the being able to access the internet. Passwords are a vital part of an email system, prevent people from accessing one another's email. These passwords are normally stored on the computer. McGill clearly states it is important to store every piece of configuration data, therefore it would have been obvious to one of ordinary skill in the art the time of invention to incorporate the passwords and licensing data implicitly taught by Maffezzoni into the data recovery system of McGill, thereby creating further advancing the goal of McGill—storing any user data required to restore a user to a full user environment after a disk failure.

McGill in combination with Maffezzoni does not explicitly disclose the presence of printer definitions. McGill does disclose the present of an extensive I/O system with multiple devices attached and storing the relevant supporting software for these devices. Official Notice is taken that it is notoriously well known by those skilled in the art at the time of invention to attach printers to computers. Printer provide a mechanism to have a tangible output from a computer. Printer require drivers and definitions to operate correctly. McGill has repeated stated that all data need to restore a user environment including driver and supporting software is backed up. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate storing printer definitions in the back up system of McGill in occasion that a printer was attached to the computer of McGill, thereby accomplished the stated goal of

Art Unit: 2114

McGill to provide a fully functional environment for the user after restoration of the system.

As per claim 2, Maffezzoni discloses:

identifying attributes to include in the user environment (column 7, lines 8-12).

As per claim 4, McGill discloses:

wherein the first computer includes the UNIX operating system (column 3, line 49).

As per claim 5, McGill does not explicitly disclose:

wherein the collecting is performed for a plurality of user, each of the plurality of users having one or more accounts on the first computer system.

McGill does disclose the use of the UNIX operating system. This operating system typically is used by multiple accounts, specifically a root/admin account and typical user account. These accounts are vital to the working of these operating systems. The administrator accounts are used to control the OS, while the user accounts are used to store user data. McGill has repeated stated that it is essential to back up all user configuration data. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the backing up of plural user and their accounts to the storage medium, thereby protecting both root account

data and user account data from loss, making the system more robust on multi-user systems.

Claims 8, 9, 11 and 12 are the information handling system embodiments of the method of claims 1, 2, 4 and 5 and are rejected on the same grounds.

Claims 15, 16 and 18 are the computer product embodiments of the method of claims 1, 2, 4 and 5 and are rejected on the same grounds.

### ***Response to Applicant's Arguments***

As the claims have been rejected on entirely new grounds with an additional reference Applicant's arguments are moot.

Applicant argued stringently that Maffezzoni did provide a permanent fix for a failure, the Examiner points out that McGill does explicitly provide for the permanent transfer of user setting to a new computer. Further, Applicant is reminded that at no point in the claims is the restoration a direct result of a failure. Further, Applicant has not claimed the duration of a fix resulting from a failure of a computer.

### ***Final Disposition***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

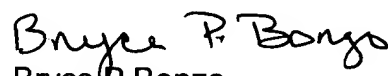
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P Bonzo whose telephone number is (571)272-3655. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2114

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Bryce P. Bonzo  
Examiner  
Art Unit 2114